

Chapter 2.10

GENERAL PROVISIONS

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2.10.010 Short title.

This title is known as the “Cottonwood Heights Administrative Code.” This title is also known as “Title 2, Cottonwood Heights Code.” It may be cited and plead under either designation.

2.10.020 Form of government.

The city has adopted the council-manager form of government pursuant to UTAH CODE ANN. §10-3-1201, *et seq.* The legislative branch of the city government is vested in a five (5) person city council, composed of four (4) council members and the mayor. The executive branch of the city government is vested in a city manager appointed by the city council, and consists of the city manager and the subordinate officers and employees of the city.

2.10.030 City organization.

A. The city is organized into administrative offices, departments and divisions as set forth in this title. In addition, as provided in chapter 2.40 below, the city manager may create other offices as are deemed necessary.

B. The administrative offices, departments and divisions are supervised by the department heads and supervisors indicated herein. All administrative offices, departments and divisions, and any other offices created by the city manager, are supervised by the city manager.

2.10.040 Oaths of office.

A. Each of the following officers and employees is required to take an oath of office before entering upon the discharge of the officer’s or employee’s duties, which oath shall be subscribed by the person taking it and filed and preserved in the office of the city recorder:

1. The mayor, members of the city council, city manager, deputy city manager, city recorder, city treasurer, director of finance, city attorney, members of the planning commission, and members of the board of adjustment.

2. Any other commission members, board members, employees, or persons that the city manager may deem appropriate or necessary.

B. Once an oath is administered, it need not be re-administered.

C. The form of oath shall be as authorized by state law.

D. Failure to take an oath of office shall not disqualify the officer, employee or member from performing the duties of the position, nor invalidate any action taken by the officer, employee or member.

2.10.050 Bonds.

A.. The mayor and each member of the city council, prior to assuming office, shall file with the city recorder a bond, with corporate sureties, conditioned upon the faithful performance of the duties of his office and the payment of all moneys received by the mayor according to law and the ordinances of the city. The bond shall be payable to the city in the penal sum of

\$1,000.00. The premium charged by a corporate surety for the bond shall be paid by the city.

B. The bond of the mayor shall be approved by the city council, and the individual bonds of the members of the city council shall be approved by the mayor, at the first meeting of the city council in January following a municipal election.

C. Certain other city officials, as required by law or as determined by the city manager, shall obtain bonding from a good and sufficient surety before entering upon the duties of their respective offices. The bonds, which may be in the form of a “blanket” bond, shall be payable to the city, duly approved by the city attorney, and conditioned upon the faithful performance and discharge of the officials’ respective duties. For proper application and payment of all money or property coming into the officials’ hands by virtue of their offices, the bonds shall be in the amount of \$25,000 each, except for the city treasurer, who shall obtain bonding in the amounts prescribed by state law. The city shall pay all premiums for the above-required bonds.

2.10.060 Compensation schedule.

The city’s elective and statutory officers shall receive such compensation for their services as the city council may fix by ordinance adopting a compensation schedule enacted after public hearing.

2.10.070 Emergency management succession of offices.

A. The following definitions shall apply in this section:

1. “*Absent*” means not physically present or not able to be communicated with for 48 hours, or, during an emergency, a shorter period of time as determined by the city manager on a case-by-case basis. “*Absent*” does not include a person who can be

communicated with via telephone, radio, or telecommunications.

2. “*Emergency interim successor*” means a person designated to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.

3. “*Emergency management coordinator*” means the emergency management coordinator for the city appointed by the city manager with advice and consent of the city council or, if none, then the city manager.

4. For purposes of this section only, “*officer*” means the mayor, members of the city council, the city manager, the deputy city manager, the city recorder, the city treasurer, the director of finance, and other department heads.

5. “*Unavailable*” means absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

6. All other definitions found in UTAH CODE ANN. §63-5b-102, or any successor provision, are incorporated herein as may be applicable.

B. Each officer, as defined in this section, shall provide to the city manager a written list designating three emergency interim successors and their order of succession. Each officer shall submit a new list when the officer or any of the successors changes or when requested by the city’s emergency management coordinator.

C. The emergency interim successors of the city’s elective officers shall be legally qualified to act as such. The emergency interim successors of the city’s appointed officers and employees, and their order of succession, shall be subject to approval by the city manager. Subject to the foregoing,

the lists shall be given to the emergency management coordinator, who shall compile a master list for the city and submit it to the Division of Comprehensive Emergency Management for the state of Utah.

D. If the officer is unavailable once a disaster has occurred, the designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession. The emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with applicable law, or until the officer or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.

E. The emergency interim successor shall not be required to take an oath of office, unless specifically provided by law.

F. All emergency interim successors of the city's appointed officers and employees serve at the pleasure of the city manager, and may be removed and replaced at any time, with or without cause.

G. The city manager, with advice and consent of the city council, upon a determination that Cottonwood Heights City Hall is not capable of functioning as the seat of government for the city, may designate another location, outside of the city if necessary, to serve as the seat of government during an emergency.

2.10.080 City seal.

A. The city council may from time to time adopt by resolution or by ordinance an official seal of the city.

B. The city recorder shall be the custodian of the official seal.

C. The city recorder shall use the official seal in attesting to all ordinances and resolutions, countersigning all contracts, and in any other manner as required by state statute or by City ordinance or resolution.

2.10.090 City logo.

The city council may from time to time adopt by resolution or by ordinance a logo or other identifying mark for use by the city on, among other things, its official correspondence and other communications. Use of the city's logo shall be jointly controlled by the city manager and the city council, and the city's executive branch and its legislative branch each shall have the right to use the city's logo in connection with the official business of such branch.

A. In no event shall the city's logo be used:

1. By any person that is not an officer, authorized employee or authorized contract provider of the city;
2. For political campaign purposes;
3. For any private business purpose; or
4. For any other purpose that is not official city business, as determined by the city manager or the city council.

B. Notwithstanding anything in this section to the contrary, however:

1. The city may produce, or license the production of, wearing apparel and other branded merchandise displaying the city's logo for sale to the public for the purposes of evidencing or invoking civic pride, but such branded items may not be worn or used for the purpose of implying city approval, recommendation or sponsorship of any such wearer or user.

2. The city manager, with advice and consent of the city council, may authorize the city's logo to be displayed by athletic teams or other groups which are officially sponsored by the city. Any such authorization shall be for a specified period of time not exceeding two years, whereupon authorization for such use shall be deemed terminated absent re-sponsorship of such group by the city manager with advice and consent of the city council.

3. The city manager, with advice and consent of the city council, may authorize

the city's logo to be displayed by athletic teams or other groups which are not officially sponsored by the city but which participate in an activity that the city determines to be beneficial to the health, safety and welfare of the city or otherwise promotes goals or purposes of the city. Any such authorization shall be for a specified period of time not exceeding two years, whereupon authorization for such use shall be deemed terminated absent re-authorization by the city manager with advice and consent of the city council.

C. The city manager may order immediate cessation of any improper display of the city's logo.

2.10.100 City flag.

The city council may from time to time adopt by resolution or by ordinance an official flag of the city, to be displayed at the city's offices and at city-sponsored and city-authorized events. The city's flag may be displayed for the primary purposes of evidencing or invoking civic pride, but may not be displayed for the purpose of implying city approval, recommendation or sponsorship of any political candidate or private business endeavor. The city manager may order immediate cessation of any improper display of the city's flag under this ordinance.

2.10.110 Inspection authority.

A. When necessary to make an inspection to enforce any of the provisions of this code, or when the city has reasonable cause to believe that there exists upon any property or on or in any facility located thereon any condition which violates this code, the city's officers, employees or authorized service providers (collectively, "*public officers*") are authorized to enter such property or facility during normal business hours (in the case of a business or commercial use), or during daylight hours

(in the case of a residential property or facility), to inspect the same or to perform any duty authorized by this code; provided, however, that (a) if such property or facility is occupied, the public officer shall first present credentials and request entry; and (b) if such property or facility is unoccupied, the public officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or facility and request entry.

B. If entry is denied, the city shall have recourse to every remedy provided by law to obtain entry, including, without limitation, the right to obtain an administrative search warrant from a court of competent jurisdiction to obtain entry.

C. Owners, occupants or any other persons having the charge, care or control of property or facilities shall, after proper request is made as provided herein, promptly admit the public officer for the purpose of inspection pursuant to this section. The failure to so admit the public officer shall, among other penalties and sanctions provided by this code or other applicable law, constitute grounds for rejection of any underlying application for a city-issued license or permit, or for revocation of any prior-issued city license or permit that was the basis for the proposed inspection.